

Tippecanoe County Drainage Board

Minutes

May 2, 2007_

Regular Meeting

Those present were:

Tippecanoe County Drainage Board President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance. Vice President Ruth Shedd was absent.

Approval of Minutes

KD Benson made a motion to approve the April 4, 2007 Regular Drainage Board minutes as written. John Knochel seconded the motion. The April 4, 2007 Drainage Board meeting minutes were approved as written.

Purdue Research Park Phase 3 Part 1 Infrastructure

Brandon Fulk of Schneider Corp. appeared before the Board to request final approval for the Purdue Research Park Phase 3 Part 1 Infrastructure project. The site located within the City of West Lafayette consisted of approximately 2.3 acres. An existing dry detention facility constructed with Phase II Part II would be used on an interim basis. Brandon stated the dry facility had the capacity for future growth and currently there was approximately 17 acres of undeveloped growth at the site. It was identified there would be a land swap as far as the volume in the dry facility of Phase II was considered to allow for this development. Approximately 3 acres would be developed which would take away from the 17 acres of undeveloped area in Phase II in the interim. The site drained to the Baker Dempsey Regulated Drain and extensive research of the drain was conducted by Schneider Corp. The said regulated drain routed along the back side of the proposed lots encompassed the dry facility and discharged to the northwest. Brandon stated he concurred with the conditions listed on the April 26, 2007 Burke memo and requested final approval. Responding to the Surveyor's inquiry, Brandon stated he would be submitting an encroachment petition regarding the Baker Dempsey Regulated Drain in the near future as the sanitary sewer would encroach into the regulated drain easement. The Surveyor asked if anyone else was tributary to the drain and Brandon stated there was no one upstream. The Surveyor recommended final approval with the conditions listed on the April 26, 2007 Burke memo. KD Benson made a motion to grant final approval to Purdue Research Park Phase 3 Part 1 infrastructure with the conditions as stated on the April 26, 2007 Burke memo. John Knochel seconded the motion. Purdue Research Park Phase 3 Part 1 Infrastructure was granted final approval with conditions.

Purdue Research Park Phase 3 Part 1 Lot 1

Brandon Fulk of Schneider Corp. appeared before the Board to request final approval for the Purdue Research Park Phase 3 Part 1 Lot 1 project. The site located on the north side of Kalberer Road was within the City of West Lafayette. It currently drained north to the Baker Dempsey Regulated Drain and would continue after the development. The Surveyor stated as this was located within the City of West Lafayette, the Board was concerned with the effect or discharge to the Baker Dempsey-Hadley Lake system only. The water quantity and quality issues had been reviewed by West Lafayette. Brandon stated Lot 1 would be developed for a Childcare Facility which was designed by C&S Engineering. Since the development north of Kalberer in Phase 3 had not been planned and allocated for in the volume of the dry facility and there was 17 acres in Phase II undeveloped there would be a land swap. Further growth would call for additional improvements to be made. The construction plans had been reviewed and approved by the City of West Lafayette's Engineer Office. He concurred with the conditions on the April 26, 2007 Burke memo and requested final approval. Responding to the Surveyor's inquiry, Brandon stated the lot at hand was in compliance with Schneider's original drainage study. The Surveyor recommended final approval with the conditions listed on the April 26, 2007 Burke memo. KD Benson made a motion to grant final approval to Purdue Research Park Phase 3 Part 1 Lot 1 with the conditions as stated on the April 26, 2007 Burke memo. John Knochel seconded the motion. Purdue Research Park Phase 3 Part 1 Lot 1 was granted final approval with conditions.

Orchard Phase 3 Section 1

Paul Coutts of C&S Engr. appeared before the Board to request final approval for the Orchard Phase 3 Section 1 Subdivision. He provided the Board with an exhibit of the project site. The site was located east of County Road 300 West (Klondike Road) and north of State Road 26 West consisting of approximately 14.3 acres. Paul stated the topography would be

undisturbed as much as possible. He stated approximately 1/3 of the site drained to the detention storage facility located on outlot H and the remaining 2/3 to the detention storage facility located on outlot G and lot 121. Both of the facilities discharged to an unnamed tributary of Jordan Creek. The rear yards of Lots 142 through Lot 148 would drain westerly uncontrolled from the site. Paul stated there was approximately a 24 foot differential in elevations at different locations within the site. He concurred with the conditions as stated on the April 30, 2007 Burke memo and requested final approval. The Surveyor recommended a Variance for Stormwater Quality be granted subject to the condition listed on the April 30, 2007 Burke memo. Dave Eichleberger stated they would not meet the 80% TSS removal requirement however the overall weighted average would be approximately 75-78%. Lots 142 through 148 would not receive any water quality treatment however the runoff would be routed through a grassed lawn area. This is the area between the lots and the ditch that would not be developed per David Kovich (developer of the site). Dave Eichelberger stated since the pond was not designed as a stormwater quality pond, the amount of treatment could not be quantified. KD Benson made a motion to grant the Variance to the Stormwater Quality with the condition listed on the April 30, 2007 Burke memo. John Knochel seconded the motion. The Stormwater Quality Variance was granted with the condition listed on said memo. KD Benson made a motion to grant final approval with the conditions as listed on the April 30, 2007 Burke memo. John Knochel seconded the motion. The Orchard Phase 3 Section 1 Subdivision was granted final approval with the conditions as stated.

Other Business

Contract/ Elliott Ditch Revision Scoping /Christopher B. Burke Engr. LTD

The Surveyor presented the Elliott Ditch Revision Scoping Contract with Christopher B. Burke Engineering LTD to the Board. The Surveyor confirmed this would include the area of the County Extension Office and the County Highway Department. Dave Eichelberger stated Burke would specifically look at the reach from Brady Lane to US 52 and would also have to look up and downstream to see what areas impacted that reach. He stated this contract would scope out what items would require additional work. He noted it may actually be a study from the mouth to US 52. KD Benson made a motion to enter into the contract with Christopher B. Burke for the revision scoping on the Elliott Ditch. John Knochel seconded the motion. The Elliott Ditch Revision Scoping Contract with Christopher B. Burke Engineering LTD was approved as presented by the Surveyor.

Contract/Berlowitz Regional Detention /INDOT

The Surveyor presented a Regional Detention Plan contract with the County and Indiana Dept. of Transportation (INDOT) for payment of 3.13 acre feet of storage resulting from the State Road 26 East improvement for a total of \$49,650.00. He recommended the Board sign and enter into the agreement. He stated there were two more agreements with INDOT. One contract was to pay for the upsizing of the storm sewer on County Road 550 East and one for the relocation of County Road 500 East to line up with the main entrance of the Brookfield Heights Subdivision north of SR 26. KD Benson made a motion to enter into the agreement with INDOT as presented by the Surveyor. John Knochel seconded the motion. The said contract with INDOT was approved by the Drainage Board and would be forwarded to the Commissioners for their signature at their May 7, 2007 meeting.

Petition to Partially Vacation of the Floyd Coe Regulated Drain / Bible Minor Subdivision

The Surveyor presented a Petition to Partially Vacate the Floyd Coe Regulated Drain located within the Bible Minor Subdivision site south of SR 28 and west of County Road 700 East. This was the very upper end of a branch of the F. Coe Drain. After discussion with the previous Surveyor and based on the original maintenance report, it did not appear the branch continued any further north or served any other properties or that this branch was intended to be maintained as part of the system. He recommended the Board grant the Petition to Partially Vacate the F. Coe Regulated Drain within the Bible Minor Subdivision. KD Benson made a motion to grant the Partial Vacation of the F. Coe Regulated Drain as presented by the Surveyor. John Knochel seconded the motion. The Petition to Partially Vacate the Floyd Coe Regulated Drain was granted as presented. The Petition would be recorded with the Records office by the petitioner.

Petition to Partially Vacate the Wilson Branch (Treece Meadows Relief Drain) of the SW Elliott Regulated Drain

Dan Teder of Reiling Teder & Schrier and Pat Jarboe of TBird Designs representing Cascada Professional Park/Ron Whistler appeared before the Board to present a Petition to Partially Vacate the S.W. Elliott Regulated Drain-Wilson Branch (Treece Meadows Relief Drain). Dan presented exhibits to the Board for their review. The exhibits indicated the site of the vacation requested. A portion of Phase III of Cascada Business Park consisting of 25 acres was being rezoned and the City of Lafayette was supportive of the request. On the North side of the overall tract was the Vineyard Residential Subdivision and to the West Treece Meadows Residential Subdivision. APC had required a stub street to connect the Vineyards Subdivision

to Cascada Subdivision. The vacation request was needed in order to add the 14 lots along the western portion of the Subdivision. Granting the vacation would give enough land for the various setbacks, pads etc required. After the vacation is granted there would still be a minimum of 26.5 feet from top of bank. He had spoke with Tim Balensiefer who designed the subdivision and was informed money was given out of TIF funds for the site purchase. The design had not been completed at time of payment and two easements were combined during the design phase. After the vacation there would be 25 feet easement on the Treece Meadows side and 50 feet on the Cascada side. Dan stated Ron Whistler was agreeable to a drainage easement on the western portion of Cascada Subdivision in the future. Additionally Dan asked TBird to investigate the 100 feet flood elevation; it was approximately 3 feet below the top of the bank along the ditch. Since TIF funds were used to purchase this property, they were in agreement to a perpetual maintenance of the east side of the ditch going from lots 43 to 56 along the ditch. This would include mowing and cleanout of ditch. Dan stated it was of his opinion this would offset any TIF money previously used. Additionally Dan stated Ron Whistler agreed to a one time mowing of the entire ditch within the tract from McCarty Lane to the Northwest corner of Phase III of Cascada or Lot 43. He did not feel it was reasonable to request the Subdivision Homeowners Association to continue mowing what is not on their tracts. In summary he stated they would do a one time maintenance mowing of the entire ditch within the tract from McCarty Lane to the Northwest corner or lot 43 Cascada Business Park Phase III, and continually maintain the east side of the ditch from lots 43-56. In response to the Surveyor's inquiry on adding a covenant to those lots which had not been sold to date, Dan stated the Subdivision's Covenants had been recorded already. They would have to have 100% of the landowners agree and it would be difficult at this point. He respectfully requested approval of the Petition to Partially Vacate S.W. Elliott Regulated Drain - Wilson Branch - Treece Meadows Relief Drain. The Surveyor stated he made a site visit and reviewed the easement in question. The Surveyor then reviewed the tract for the Board utilizing GIS and the exhibits provided. He stated if the developer would be willing to plot a five foot drainage easement at the rear of the lots it would give enough room to do any required maintenance on the ditch. The Surveyor recommended granting the petition subject to the platting of a five foot drainage easement only at the rear of the proposed new lots and submittal of a maintenance agreement satisfactory to the Surveyor by the next Drainage Board meeting. The Board Attorney will provide Mr. Teder with an agreement for review. In response to K D's inquiry, Dan stated the reduction of easement was requested for Phase III-the residential area only. KD Benson made a motion to grant the Petition to Partially Vacate the SW Elliott Regulated Drain – Wilson Branch- Treece Meadows Relief Drain subject to the 5 feet easement addition on the back of the lots along the east edge of the ditch lots 43-56 and a maintenance agreement satisfactory to the Surveyor. John Knochel seconded the motion. The Petition to Partially Vacate the S.W. Elliott Regulated Drain-Wilson Branch (Treece Meadows Relief Drain) was granted with conditions.

Maintenance Bonds

The Surveyor presented Maintenance Bond #104814555 in the amount of \$18,700.00 from Milestone Contractors for Ravenswood at Hickory Ridge P.D. Ph. 2 for acceptance by the Board. KD Benson made a motion to approve Maintenance Bond #104814555 in the amount of \$18,700.00 from Milestone Contractors for Ravenswood at Hickory Ridge P.D. Ph. 2. John Knochel seconded the motion. Maintenance Bond #104814555 in the amount of \$18,700.00 from Milestone Contractors for Ravenswood at Hickory Ridge P.D. Ph. 2 was accepted by the Board.

Public Comment

Rob Noles

Rob Noles 8503 State Road 26 West, West Lafayette Indiana approached the Board. Rob stated he was in front of the Board two years ago with a major drainage problem at his location. A watershed pond of 3 acres had grown to an estimated 30 acres. Some tile work had been done but with the rain this year it was at an all time high. The property around his house and 26 other lots were affected as well the north side of SR 26. One landowner had to move out of his house and eventually was foreclosed on. He requested the problem addressed as soon as possible. KD stated this had been a problem for a couple years. She noted Norm Bennett was at the last meeting and expressed his concerns as well. The Surveyor at the last meeting stated he would speak to the owner to the north. He had spoken with the landowner since that meeting. Due to the fact there are no records on the drain (private/ mutual drain) and the amount of water present the investigation had been difficult. He stated with inflation the landowners were looking at approximately \$35.00 per acre for a reconstruction. He was trying to get it drained down to see if some of the system was salvageable in order to keep the cost at a minimum. He stated this issue was at the top of the list for his office. Rob stated the work that was done a couple of years ago cleared it up somewhat but did not completely drain the area. He has lived at that location for 22 years and the area use to completely dry out in the summer time. The water was up to the road now and would soon be on top of it. The Surveyor stated he felt the problem worsened after INDOT replaced a culvert under the road. However if the water does not recede they will not be able to tell what the problem is. He felt a dye test would not work as it would dilute. Since the Whaley's have agreed to the construction of an open ditch on their property to the north to allow relief of drainage- an investigation can continue. However in order to pay for the construction of a temporary outlet (open ditch) money used from the General Drain Improvement Fund would have to

be authorized by the Board. He stated he received an estimate from Lauramie Creek Excavating for approximately \$2800.00 to do the construction. John Knochel stated he was willing to authorize use of monies from the fund in this case. KD Benson made a motion to authorize the use of monies from the General Drain Improvement Fund for construction of a temporary outlet. John Knochel seconded the motion. John Knochel then requested the Surveyor make this issue one of the top priorities of his office.

Duke Westwood Substation Trees

KD Benson informed the Surveyor that she had visited the Duke Westwood Substation site and there were no trees planted at the site. As part of their final approval with conditions, they agreed to plant trees along the County Road as a buffer. The Surveyor stated they were to submit a plan for the file. She asked the Surveyor to check on this and report back to her.

As there was no other public comment, KD Benson motioned for adjournment. The meeting was adjourned.

John Knochel, President

Ruth Shedd, Vice President

Brenda Garrison, Secretary

KD Benson, Member